

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
v.) No. 4:07CR605 CDP
)
GREGORY BRANDON,)
)
 Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on defendant's pretrial motions. Pursuant to 28 U.S.C. § 636(b), the motions were referred to United States Magistrate Judge Frederick R. Buckles. Judge Buckles held an evidentiary hearing and then filed a Report and Recommendation, which recommended that the motions be denied. Defendant filed timely objections to the Report and Recommendation.

I have conducted *de novo* review of the motions, including listening to the recording of the hearing held by Judge Buckles and examining all evidence presented. Having conducted that independent review, I agree with the conclusions and thorough reasoning of Magistrate Judge Buckles as set forth in support of his recommended rulings. In particular, the evidence shows that defendant was not in custody when he made the statements, he was repeatedly

advised of his right to remain silent and to have counsel and knowingly waived those rights, he never invoked his right to counsel, and he made all statements voluntarily and without threat or coercion. Additionally, the statute under which he is charged is not unconstitutionally vague.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [# 30] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

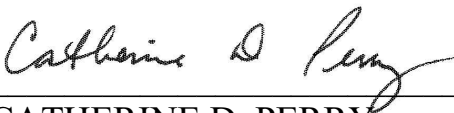
IT IS FURTHER ORDERED that defendant's motion to suppress statements [#19] and his motion to dismiss [#18] are denied for the reasons stated in Judge Buckles' Report and Recommendation.

IT IS FURTHER ORDERED that defendant's motion to suppress physical evidence [#20] is denied as moot, as defendant has withdrawn it.

IT IS FURTHER ORDERED that defendant's motion for discovery [#17] is denied as moot, as defendant has now received all required discovery, including the opportunity for his expert witness to examine the relevant computer.

IT IS FURTHER ORDERED that defendant's motion for speedy trial waiver [#16] is denied as moot, as in the court's previous order granting

defendant's request for continuance the court found that the time requested by the continuance is excludable time under the Speedy Trial Act.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of April, 2008.